

**OFFICIAL MINUTES  
GOVERNMENTAL STRUCTURE TASK FORCE  
TUESDAY, MAY 31, 2005**

The Governmental Structure Task Force convened in the Commission Chambers of the Stephen P. Clark Government Center, 111 Northwest First Street, Miami, Florida, at 2:21 p.m. on May 31, 2005. Present were Chairman Moss and member Commissioners Heyman and Seijas (Commissioner Sosa was absent). Staff members present were Assistant County Manager Susan Torriente; First Assistant County Attorney Murray Greenberg; Assistant County Attorney Abigail Price-Williams; and Deputy Clerk Mary Smith-York.

**I. Introduction & Welcome**

Chairman Moss called the meeting to order at 2:21 p.m. and welcomed Task Force members, staff members, and others present at today's meeting. He stated that Commissioner Seijas would arrive directly following a press conference on hurricane preparedness. He noted that BCC Chairman Joe Martinez was also calling upon all of the citizens of Miami-Dade County to prepare for this hurricane season.

**II. Public Communications Plan**

Ms. Hilda Fernandez, Communications Department Director, distributed a copy of the Communications Marketing Plan and provided a brief overview. She stated that the Marketing Division had reviewed the available media resources in the community in an effort to identify the best vehicle to inform the community of Public Hearings. Ms. Fernandez noted that the plan had been divided into two categories: 1) General Campaign: to announce meetings and encourage residents to call or visit the website for more information, and 2) Targeted Campaign: to reach specific areas/organizations near meeting sites. She indicated that radio broadcasting was the best source for disseminating information within the community with regards to cost and production.

Commissioner Heyman asked that Ms. Fernandez research alternative to advertising in community periodicals by area and the one month prior to publication date deadline and that she revisit the costs of advertising public hearings since there were usually no costs associated with advertising events that were hosted by a District Commissioner. She suggested that Ms. Fernandez obtain placard holders for advertising posters that could be placed in libraries, hospitals, the Stephen P. Clark Center's lobby, etc. to cut advertising costs.

Chairman Moss emphasized the importance of the marketing plan and cost analysis as a tool for deciding how to proceed on this matter. He added that the schedule of the community meetings would be a key factor in the final decision. Commissioner Moss suggested that the community meetings be scheduled to begin in September 2005 and that the Task Force conclude this project in October 2005.

Commissioner Heyman stated that the meeting schedules should be flexible to accommodate the Commission District's make-up, since some Districts contained unincorporated areas that relied upon

County Government to organize meetings and forums to discuss issues while others with municipalities and associations structured their own agenda.

In response to Commissioner Heyman's comments, Chairman Moss explained that he would like to conduct 13 meetings, one in each District, based on the District's Commissioner's designated time and location. Chairman Moss asked Ms. Fernandez to consult with individual Commissioners to assess the advertising needs of their respective Districts and to bring a plan back for the Task Force's approval. He also asked Ms. Fernandez to develop a listing of the Miami Herald's circulation numbers within Miami-Dade County and present the results at the next Task Force meeting.

Commissioner Seijas recommended that the Task Force conduct five additional meetings for a total of 18, to accommodate the diverse language situation in the Districts. She also asked that Ms. Fernandez develop a budget for the cost of conducting 13 meetings with language interpreters and a comparative budget for conducting 18 meetings without interpreters and to bring a report back to the Task Force.

Chairman Moss asked Ms. Fernandez to obtain feedback from each Commissioner on whether 13 or 18 meetings would work best and include this information in the requested report.

### **III. Review of Spring Term 1999 Grand Jury's Report on the Contract Process & The Role of the County Attorney**

First Assistant County Attorney Murray Greenberg provided a brief overview of the County Attorney's role in the contract process. He read excerpts from the 1999 Grand Jury's Report that stated the County Attorney did not represent the people of the County in regards to legal issues and oversight of contracts and expressed his disagreement. Mr. Greenberg agreed with the portion of the report that stated the County Attorney represented the entire County Commission, the Mayor, and the County Manager. He stated that the County Attorney's Office (CAO) needed direction from the Commission as to how much information it desired regarding issues with legal implications. He noted that the CAO had been careful to avoid directing the Commission through its responses to requests.

Commissioner Heyman acknowledged the CAO's active involvement in all Procurement issues and noted that it was an integral part of County government that represented the County's interest. She pointed out that the CAO reviewed every item on the Commission agendas for legal sufficiency and suggested that rather than limiting its involvement to providing background information and rendering advice only when requested, that the CAO be directly engaged in all issues with legal parameters to provide insight and advice.

Commissioner Seijas suggested that the County Attorney meet with Chairman Moss to develop a plan to expand upon or maximize the services rendered to the Commission by the CAO. She asked that the plan be brought back to the Task Force for review.

Mr. Greenberg agreed with Commissioner Seijas and stated that the Attorneys would use discretion in determining whether their advice was warranted on issues during review by the Commission. Chairman Moss asked Mr. Greenberg to develop parameters of potential expansion on the CAO's involvement on issues and bring back the results to the Task Force for discussion and recommendation.

to the full Board. He expressed disappointment in the Grand Jury's process during discussions on the Aviation Authority.

Chairman Moss provided a brief discussion pertaining to the second part of the Grand Jury's Report that addressed issues regarding the contract process. He agreed with the concept of removing politics and social engineering from the development and evaluation of individual contract specifications, and suggested that Task Force members examine the contract review process before the contract came before the Board. Chairman Moss stated that the County had addressed and implemented corrective measures for the remaining issues in the report regarding the contract process.

Commissioner Heyman commented that there was a difference between removing politics from procurement and maintaining legislative oversight. She noted that safeguards existed in the procurement process within parameters of the law to ensure integrity. Commissioner Heyman stated that politicians should exercise legislative oversight in the procurement process, but that power and scrutiny should be delegated to the selection committee members behind closed doors, not the Commission.

Commissioner Seijas concurred with Chairman Moss' observation of the Grand Jury's process and stated that the Commission had no direct involvement in the contract approval process. She pointed out several issues in the report that were in her opinion either invalid or misrepresented.

Chairman Moss commented on the 99.9% approval rate of contracts recommended by the County Manager and the County Manager's authority to approve 85% of contracts and award up to \$1 million in contract, which practically eliminated the Commission's involvement in the process.

#### **IV. Capital Improvements Construction Contracting**

Mr. Roger Hernstadt, Office of Capital Improvements (OCI) Director, commended the Commission Committees that worked with him to make the County's Capital Improvement process timely, effective, and transparent. He provided a brief overview of the construction contracting process and highlighted the following points:

- Last year OCI approved 2,158 actions administratively, subject to Commission ratification; and
- Only 78 of the 2,158 had a degree of subjectivity involved - were not low-bid contracts.

Mr. Hernstadt stated that contracts to architects and engineers were exempted from the competitive low-bid process and were subjected to quality by state law. He mentioned that the Board of County Commissioners allowed bidders not awarded the contract the opportunity to express their concerns and hear explanations why they did not win, through a bid protest procedure. Mr. Hernstadt stated that the OCI administered its procurement process using the "expedite ordinance," which streamlined the review process and was a tremendous cost and time saving approach. He noted that the Commission established parameters for the OCI pertaining to contingency accounts that control the amount of funds available for unforeseen conditions. Because the threshold was low, an occasional change order for unforeseen conditions was presented before the Board for approval. Mr. Hernstadt briefly discussed Administrative Order (A.O.) 3-39 and its role in the implementation of the County's Capital Improvement Plan. He stated that the Commission implemented policy to award County projects to Community Small Business Enterprises (CSBE) firms. He also mentioned that the Small Equitable

Distribution Program, which provided opportunities for small design projects, needed to be reviewed and updated. Mr. Hernstadt stated that six meetings had been held with County Departments during the previous two months to review the Capital Improvement process and identify opportunities for improvement. He stated that the resulting comments were being circulated throughout the County Departments and to the County Manager. He listed the following initial improvements:

- appropriate adjustments were being made to A.O. 3-39 as warranted;
- contract evaluations were being implemented into the process to gauge contractor performance; and
- the Independent Private Sector Inspector General (IPSIG) allowance was being recommended for elimination to free those funds for other projects.

Chairman Moss indicated that the IPSIG account had not been accessed since the establishment of the County's Inspector General and agreed that it was no longer useful in the contract process.

Budget Director Ms. Jennifer Glazer-Moon stated that the IPSIG was a budgeted reserve within the capital project and not funds that would be transferred into the project's IPSIG account. She stated that it was not located in the operations side of the budget and was not carried over if not used. In response to Chairman Moss' inquiry, Ms. Glazer-Moon stated that the IPSIG funds, if not used, remained available for use with other capital projects.

Mr. Hernstadt stated that, regarding contractor accountability, all County departments would undergo a training process for implementing the Capital Improvement Plan. Pertaining to Chairman Moss' inquiry regarding the implementation of new technology throughout the County, Mr. Hernstadt stated that the technology expert for OCI was an Enterprise Technology Services Department staff member.

## **V. Survey Results Update**

Mr. Kevin Lynskey, Assistant Director, Office of Strategic Business Management (OSBM), briefed the Task Force members on the preliminary results obtained on the survey conducted by OSBM regarding the following questions:

- where power was invested within the municipalities;
- whether transparency laws were in effect;
- whether progressive management practices were employed; and
- how procurement legislation was addressed.

Mr. Lynskey stated that surveys were sent to 22 municipalities and 14 responded. He outlined the likeness and differences between the 14 responding municipalities and Miami-Dade County. Mr. Lynskey pointed out that each of the responding municipalities had a Sunshine Law or equivalent policy in place. He stated that Miami-Dade County would be one of the first counties to adopt the Results Oriented Government Legislation.

Mr. Howard Piper, Deputy Director, Department of Procurement Management (DPM), provided an overview of the information received in response to the procurement legislation questions. He highlighted the following points:

- procurement budgets of those surveyed had a wide-range;
- seven of the 14 respondents observed a "Cone of Silence" policy;

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- eight of the 14 respondents carried a “Small Business Program”;
- Miami-Dade County had the highest administration authority threshold at \$1 million; and
- Miami-Dade County took the longest amount of time getting items to the Board for approval at 90 days—other municipalities reported taking between 14-45 days.

Chairman Moss asked that the DPM Deputy Director perform a comparative analysis on the procurement process of those municipalities reporting less processing time and bring back a detailed report to the next Task Force meeting.

Commissioner Seijas asked DPM to rank the top two or three best procurement departments found in the survey and have staff analyze best practices that can be implemented in Miami-Dade County.

Chairman Moss then asked, in reference to the Grading the Counties information provided, that specific areas that Counties were rated on be further clarified with a special focus on Information Technology, and that this information be included in the requested report. Chairman Moss commented on Miami-Dade County’s score on the Grading the Counties report being low concerning Information Technology and stated that improvements in that area would raise the County’s rating closer to its goal.

Commissioner Heyman asked staff to research all Information Technology updates that had taken place in Miami-Dade County since 2002 when the Grading the Counties report came out.

## **VI. Department of Procurement Management Staffing Levels**

Mr. Howard Piper, Deputy Director, Department of Procurement Management (DPM), provided a brief overview of the changes that had been incorporated into the DPM and the results over the past years. He gave a PowerPoint presentation and highlighted the following key points:

- increased staff to accommodate workload;
- provided timed acquisitions of goods and services;
- provided sound business practices across the County;
- standardized guidelines throughout County Departments; and
- enhanced integrity, fairness, and transparency.

Commissioner Heyman asked the County Manager to investigate integration of the information technology resources into the DPM for more efficiency and cost containment. Commissioner Heyman also asked the DPM Deputy Director to provide the total amount that had been returned under the 2% User Access Program (UAP).

Mr. Piper stated, in response, that the projection for the year was \$3.4 million in UAP dollars.

Commissioner Seijas suggested that Chairman Moss request a point of privilege before the full Board to present his recommendation that Chairman and Vice Chairman of the Board be empowered to respond to issues that were unfairly and/or incorrectly portrayed by the media.

## **VII. Recent County Recognition Awards**

Assistant County Manager Susan Torriente advised Task Force members that the County had won two awards from the Government Finance Officers Association:

- 1) Distinguished Budget Presentation, and
- 2) Certificate of Achievement for Excellence in Financial Reporting.

Chairman noted that the appropriate recognition ceremony would be arranged by the County Manager at a future date.

## **VIII. Open Discussion**

The open discussion was not considered at today's meeting.

## **Adjournment**

There being no further business to consider, the Governmental Structure Task Force meeting was adjourned at 4:25 p.m.



Commissioner Dennis C. Moss, Chairman  
Governmental Structure Task Force